IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2758 OF 2007

Shivaji Bhaurao Patil ...Petitioner
V/s.
The State of Maharashtra & Anr. ..Respondents

Mr.A.S. Rao for the Petitioner.
Mr.A.H. Palekar, AGP for the Respondents.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATED : NOVEMBER 21, 2007

P.C. :-

. By consent of parties, the petition is disposed of in the following terms :-

. That the petitioner was not justified in challenging the competence of the officer who issued charge-sheet to issue the charge-sheet while the inquiry was pending. Therefore, in case at the conclusion of the departmental enquiry, any punishment is imposed on the petitioner, the petitioner while challenging that punishment shall be entitled to raise the question of competence of the officer who issued the charge-sheet against the petitioner. In case, such a question is

raised, that question to be decided on its own merit on the basis of the material produced by the petitioner and the respondent while deciding that question at that stage, the observations made by the MAT in the impugned order, shall not be considered.

. Writ Petition is disposed of.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)